

Amendment No. 1 to HB2450

**Lamberth
Signature of Sponsor**

AMEND Senate Bill No. 2526

House Bill No. 2450*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-408(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) Upon receipt of a specimen forwarded to the director's office or an accredited crime laboratory for analysis, and the "toxicology request for examination" form, which shall indicate whether or not a breath alcohol test has been administered and the results of that test, the director of the Tennessee bureau of investigation or the director of an accredited crime laboratory shall have the specimen examined for alcohol concentration, the presence of narcotics or other drugs, or for both alcohol and drugs, if requested by the arresting officer, county medical examiner, or any district attorney general. The office of the director of the Tennessee bureau of investigation or the director of an accredited crime laboratory shall execute a certificate or report that indicates the name of the accused, the date, time, and by whom the specimen was received and examined, and a statement of the alcohol concentration or presence of drugs in the specimen.

(2) As used in this section, "accredited crime laboratory" shall be limited to those crime laboratories that:

(A) Are owned and operated by this state or a political subdivision of this state;

(B) Are accredited under ISO/IEC/17025, with associated supplemental requirements; and

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(C) Provide testing within the scope of the accreditation sufficient to meet the requirements as forensic service providers.

SECTION 2. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subsection (c) and substituting instead the following:

(1)

(A)

(i) A law enforcement officer shall administer or cause to be administered a breath test for the purpose of determining the alcohol or drug content of the operator's blood if the officer has testing equipment available and has probable cause to believe that one (1) or more of the events in subdivision (c)(1)(B) have occurred.

(ii) A law enforcement officer shall cause to be administered a blood test for the purpose of determining the alcohol or drug content of the operator's blood if one (1) or more of the requirements for a blood test set out in subsection (e) are present and the officer has probable cause to believe that one (1) or more of the events in subdivision (c)(1)(B) have occurred.

(B) An officer shall administer or cause to be administered a breath or blood test pursuant to subdivision (c)(1)(A) if the vehicle:

(i) Has been involved in a collision resulting in the injury or death of another and the operator of the vehicle has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401;

(ii) Has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401; and a passenger in the motor vehicle is a child under eighteen (18) years of age; or

(iii) Has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401 and has a prior conviction of a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401, or an offense committed in another state that, if committed in this state, would constitute the offense of vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), aggravated vehicular homicide under § 39-13-218, or driving under the influence of an intoxicant under § 55-10-401.

(2) If a blood test required to be performed under subdivision (c)(1)(A)(ii) is performed in accordance with the procedure set forth in this section and § 55-10-408, and is performed pursuant to a search warrant as described in subdivision (e)(2), or a recognized exigent circumstance to the search warrant requirement, the test shall be administered regardless of whether the operator consents to the test.

(3)

(A) The results of a breath test that is required to be performed by subdivision (c)(1)(A)(i), may be offered as evidence by either the state or the operator of the vehicle in any court or administrative hearing or official proceeding relating to the collision or offense, subject to the Tennessee Rules of Evidence.

(B) The results of a blood test that is required to be performed by subdivision (c)(1)(A)(ii), if performed in accordance with § 55-10-408 and subdivision (e)(2) of this section, may be offered as evidence by either the

state or the operator of the vehicle in any court or administrative hearing or official proceeding relating to the collision or offense, subject to the Tennessee Rules of Evidence.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.